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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/300,676 04/27/99 DOYLE R 73744

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EXAMINER

DEANE JR, W

ART UNIT

PAPER NUMBER

2742

DATE MAILED:

02/02/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/300,676**

Applicant(s)  
**Doyle et al.**

Examiner  
**Bill Deane**

Group Art Unit  
**2742**



☒ Responsive to communication(s) filed on Dec 22, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 835 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-38 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-38 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Dec 22, 1999 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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*Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the selection processor, the repair processor, the update processor and the objection function processor must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

In addition, the proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 12/22/99 have been approved.

*Specification*

2. The specification is objected to because Appendix I (see Brief Description of the Drawings) has not been properly entered in the specification. If applicant intends to enter Appendix I as part of the specification, it should be properly labeled and include page numbers in accordance with the specification. Applicant is directed to MPEP 608.05 for further details. Possibly, another option is to delete reference to Appendix I in the Brief Description of the Drawings and enter the unpublished paper in an IDS.

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In addition, the specification does not have proper antecedent basis for MP or CP as proposed in the newly approved drawings. Therefore, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). This may be corrected by inserting a "matrix processor MP" and inserting a "call processor CP" where appropriate. For example, at page 8, line 28, after the ",", insert -- a matrix processor MP of --. Also, at page 4, line 20, after the ",", insert -- a call processor CP of --. Finally, on page 5, line 20, -- system -- should be inserted after "ACD".

***Claim Rejections - 35 USC § 112***

The rejection of claims 27 - 37 under 35 U.S.C 112 second paragraph is withdrawn.

***Response to Arguments***

4. Applicants' arguments filed 12/22/99 have been fully considered but are not deemed persuasive to any error in the ~~above~~ rejection <sup>set forth below</sup>.

With respect to applicants' argument that Tonisson does not teach assigning the call to an agent of the agents of the ACD with the largest relative difference between an actual occupancy of calls of the first type handled by the agent and the target occupancy of calls of the first type determined for the agent in the target occupancy matrix, applicant is directed to Col. 2, lines 27 - 57). In addition, note the equations from Col. 6 through Col. 9 and the description thereof with respect to providing a matrix including agent skills, call types etc. More specifically, note Col. 5.

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lines 11 - 18 of Tonisson. Compare Col. 5, lines 11 - 18 of Tonisson with that of page 7, lines 1 - 8 of the present application.

With regard to applicants' argument about an individual call versus "calls" such is not understood. Applicants' claim is for processing a call and assigning the call to an agent. Tonisson clearly teaches this. Even if applicants were to amend claim 1 to cite an individual call, the Examiner still believes this would read on Tonisson. To believe that Tonisson does not teach processing a call and assigning the call to an agent flies in the face of common sense. If the call is not being processed how is the call, an individual call, getting to the agent?

For these reasons, the rejection of claims 1 - 38 is hereby repeated as follows:

5. Claims 1 - 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonisson.

With respect to claims 1 and 38, Tonisson teaches a method of assigning agents of an automatic call distributor to incoming calls of a plurality of call types handled by the automatic call distributor including the method steps of determining a target occupancy matrix including a target occupancy for each agent of the agents of the ACD for each call type of the plurality of call types and processing a call of a first type of the types determined in the target matrix (Col. 2, lines 15 - 27). Tonisson also teaches assigning the call to an agent of the agents of the ACD with the largest relative difference between an actual occupancy of calls of the first type handled by the agent and the target occupancy of calls of the first type determined for the agent in the target occupancy matrix (Col. 2, lines 27 - 57). More specifically, note Col. 5, lines 11 - 18 of

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Tonisson. Compare Col. 5, lines 11 - 18 of Tonisson with that of page 7, lines 1 - 8 of the present application. In addition, note the equations from Col. 6 through Col. 9 and the description thereof with respect to providing a matrix including agent skills, call types etc.

With respect to claims 2 - 4, note the use of permanent data, semi-permanent data and variable data (Col. 2 - Col. 3, lines 49 - 44). Also note use of Erlang at Col. 6, line 15.

With respect to claim 5, a minimum skill level is inherent in Tonisson.

With respect to claims 6 - 13, note Cols. 3 - 4, lines 36 - 46.

With respect to claims 7 - 10, note the Summary of the invention.

With respect to claims 11 - 13, see Col. 4 lines 36 - 52

With respect to claims 14 - 26, these claims parallel claims 1 - 13 and the arguments would be the same as those discussed supra.

With respect to claims 27 - 37, Tonisson teaches applicant's device and the arguments would parallel the arguments above. Note ACD 101, call processor 110, matrix processor 150.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838.

  
WJD

January 25, 2000



KRISTA ZELE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700